

Department of the Secretary of State

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WEEKLY NOTICES OF STATE RULEMAKING Public Input for Proposed and Adopted Rules

Notices are published each Wednesday to alert the public regarding state agency rulemaking. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one -- the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. **Petitions:** you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rulemaking if the petition is signed by 150 or more registered voters, and may begin rulemaking if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone (207) 287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 Section 11112). **World-Wide Web:** Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules>. There is also a [list of rulemaking liaisons](#), who are single points of contact for each agency.

PROPOSALS

AGENCY: **03-201 - Department of Corrections (DOC)**

CHAPTER NUMBER AND TITLE: **Ch. 10**, Policy and Procedures Manual – Adult: **Section 20.1**, Prisoner Discipline

PROPOSED RULE NUMBER: **2019-P041**

BRIEF SUMMARY: The Department of Corrections received a citizen petition (*Citizen Petition for Rulemaking to Require the Maine Department of Corrections to amend Department of Corrections Rule Chapter 10, subsection 20.1, Prisoner Discipline*)§ to initiate rulemaking pursuant to 5 MRS §8055. The Petition was verified and certified as required by Maine law. Therefore, pursuant to 5 MRS §8055, the Department is required to initiate rulemaking.

In addition, the Department seeks amendments to the rule to provide clarifications and improve efficiency in the prisoner discipline process.

DETAILED SUMMARY: The Petitioners seek to require, "All punishments involving loss of

earned good time, or the withdrawal of good time deductions, and/or the refusal to award good time deductions, because of alleged misconduct by the prisoner/resident/inmate/client, must first be submitted to the Agency Disciplinary Hearing process as defined and set forth at 34-A M.R.S.A. §3032 *et seq.*, and this Policy, (Rule).”

In addition, the Department seeks to provide clarifications and improve efficiency in the prisoner discipline process by enhancing the informal resolution process, eliminating redundancy, making changes to the list of prohibited acts, reorganizing the classes of violations and dispositions, and altering the list of dispositions.

Copies of these proposed rules are available upon request by contacting the Agency contact person or on the Department of Corrections website at <https://www.maine.gov/corrections/PublicInterest/policies.shtml/>. Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment. Written comments may be submitted by mail, e-mail or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include your name and the organization you represent, if any.

PUBLIC HEARING: April 18, 2019 at 10:00 a.m. in the Maine Department of Corrections Board Room in the Tyson Building (Third Floor), 25 Tyson Drive, Augusta, ME

COMMENT DEADLINE: May 1, 2019

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / DOC

RULEMAKING LIAISON: Mary Lucia, Department of Correction, 111 State House Station, Augusta ME 04333. Telephone: (207) 287-4681. Fax: (207) 287-4370. Email:

Mary.A.Lucia@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: None

STATUTORY AUTHORITY FOR THIS RULE: Title 34-A §§ 1402, 1403, 3032

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

DOC WEBSITE: <https://www.maine.gov/corrections/> .

AGENCY: 02-380 - Maine State Board of Nursing

RULE TITLE OR SUBJECT: Ch. 8, Regulations Relating to Advanced Practice Registered Nursing

PROPOSED RULE NUMBER: 2019-P042

CONCISE SUMMARY: Per LD 1166, SP 387 *An Act Regarding Anesthesia Care in Maine*, Effective September 12, 2017, the proposed rule addresses the elimination of the certified registered nurse anesthetist’s requirement to be accountable to a licensed physician or dentist in rural and critical access hospitals. The proposed rule adds prescriptive authority to the CRNA’s scope of practice in the preoperative and immediate postoperative period. The rule clarifies the treatment and prescribing of medications to family and friends, allows for the initial licensure of advanced practice nurses that may have a degree that is more than a master’s degree, reduces the continuing education requirement, and clarifies the twenty-four-month supervisory requirement.

PUBLIC HEARING: N/A

DEADLINE FOR COMMENTS: April 27, 2019

BOARD CONTACT PERSON / SMALL BUSINESS IMPACT INFORMATION / RULEMAKING

LIAISON: Virginia deLorimier, MSN, RN, Assistant Executive Director, Maine State Board of

Nursing, 158 State House Station, Augusta, ME 04333-0158. Telephone: (207) 287-1147.

Email: Virginia.E.deLorimier@Maine.gov .

THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 32 MRS §§ 2153-A(1), 2102(2-A), 2211(4)

BOARD WEBSITE: <http://www.maine.gov/boardofnursing/> .

PROPOSED RULE NUMBER: 2019-P043 **(CANCELLED)**

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 16, Hunting: 16.08, Moose Hunting**

PROPOSED RULE NUMBER: **2019-P044**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife has scheduled a public hearing to discuss its proposal allocating the number of moose hunting permits to be issued for the 2019 moose hunting season. Permits will be issued for antlered, antlerless and any-moose. Proposed permit allocations according to Wildlife Management District are as follows:

WMD 1 – 350 antlered / 125 antlerless

WMD 2 – 250 antlered / 125 antlerless

WMD 3 – 150 antlered / 100 antlerless

WMD 4 – 300 antlered / 150 antlerless

WMD 5 – 200 antlered / 100 antlerless

WMD 6 – 150 antlered / 50 antlerless

WMD 7 – 125 antlered

WMD 8 – 175 antlered

WMD 9 - 100 antlered

WMD 10 – 60 antlered

WMD 11 – 50 antlered

WMD 12 – 25 antlered

WMD 13 – 15 antlered

WMD 14 – 30 antlered

WMD 15 – 25 any-moose

WMD 16 – 15 any-moose

WMD 17 – 10 antlered

WMD 18 – 40 antlered

WMD 19 – 60 antlered

WMD 27 & 28 (combined) – 40 antlered

TOTAL: 2,130 antlered / 650 antlerless / 40 any-moose

PUBLIC HEARING: Tuesday, April 16, 2019 @ 5:30 p.m. – Augusta Armory, Room 209, 179 Western Avenue, Augusta

COMMENT DEADLINE: April 26, 2019

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: Becky.Orff@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 11551, 11552
SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:
IFW WEBSITE: www.maine.gov/ifw .

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 16**, Hunting: **16.10**, Wild Turkey Hunting

PROPOSED RULE NUMBER: **2019-P045**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife is proposing to amend rules that permit the hunting of wild turkeys. During the spring season the split A/B season in WMDs 1 through 6 is proposed to be eliminated and would be open to all hunters. During the fall season the Department is proposing to change the start date to the Monday closest to September 17 annually; establish a youth fall wild turkey hunting day; increase bag limits in WMDs 15-17 and 20-26, and expand options for shotgun gauges and shot size legal for wild turkey hunting to include shotgun gauges 10 through 28 and .410 with the use of shot sizes 2 through 9. A complete copy of the proposed rule can be obtained by contacting the agency contact person below.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: April 29, 2019

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: Becky.Orff@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §11701

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

IFW WEBSITE: www.maine.gov/ifw .

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 20**, Taxidermy License

PROPOSED RULE NUMBER: **2019-P046**

BRIEF SUMMARY: The Department of Inland Fisheries and Wildlife is proposing to amend the taxidermy license rule to create two new classifications to modernize the rules and include a “Freeze-Dried” and a “Reptile and Amphibian” Classification to the taxidermy license process. These classifications directly relate to the Department’s current definition of “taxidermy,” which is defined as the art of preparing, stuffing and/or mounting of skins of fish, wildlife or parts thereof, so as to make them appear lifelike. The proposal provides clear direction for the certification of taxidermists in the preservation process, as well as providing applicants with a clear outline of the requirements that need to be met, to become certified in one or more of the Department’s taxidermy license classifications.

PUBLIC HEARING: None scheduled

COMMENT DEADLINE: April 29, 2019

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email:

Becky.Orff@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §12952

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

IFW WEBSITE: www.maine.gov/ifw .

ADOPTIONS

AGENCY: **01-015** – Department of Agriculture, Conservation and Forestry (DACF), **Maine Milk Commission (MMC)**

CHAPTER NUMBER AND TITLE: **Ch. 3**, Schedule of Minimum Prices, **Order#04-19**

ADOPTED RULE NUMBER: **2019-054**

CONCISE SUMMARY: Minimum April 2019 Class I price is \$19.01/cwt. plus \$1.63/cwt. for Producer Margins, an over-order premium of \$1.04/cwt. as being prevailing in Southern New England and \$1.86/cwt. handling fee for a total of \$23.74/cwt. that includes a \$0.20/cwt. Federal promotion fee.

EFFECTIVE DATE: March 31, 2019

AGENCY CONTACT PERSON: Tim Drake, Maine Milk Commission - Agriculture, 28 State House Station, Augusta, ME 04333. Telephone: (207) 287-7521. Email:

Tim.Drake@Maine.gov .

MMC WEBSITE: <http://www.maine.gov/dacf/milkcommission/index.shtml> .

DAFS INTERIM RULEMAKING LIAISON: Shannon.Ayotte@Maine.gov .

AGENCY: **06-096 - Department of Environmental Protection (DEP)**

CHAPTER NUMBER AND TITLE: **Ch. 110**, Ambient Air Quality Standards

ADOPTED RULE NUMBER: **2019-055**

CONCISE SUMMARY: The Department has amended its Ch. 110, *Ambient Air Quality Standards*, to incorporate the current national ambient air quality standards (NAAQS) for particulate matter (PM) and ozone, and will update and align the rules governing the Maine ambient air quality standards to provide consistency with the federal NAAQS. The amendments to Ch. 110 are required to satisfy CAA Section 110(a)(1) and (2) infrastructure requirements and Prevention of Significant Deterioration (PSD) requirements under CAA Section 160 *et seq.*. These amendments will be submitted to the U.S. Environmental Protection Agency for approval in Maine's State Implementation Plan.

EFFECTIVE DATE: March 27, 2019

DEP CONTACT PERSON / RULEMAKING LIAISON: Jeff Crawford, Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. Telephone: (207) 287-7647. Email: Jeff.S.Crawford@Maine.gov .

DEP WEBSITE: <http://www.maine.gov/dep/> .

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 1**, Open Water and Ice Fishing Regulations (Ice Fishing Season Extension)

ADOPTED RULE NUMBER: 2019-056 (Emergency)

CONCISE SUMMARY: The Commissioner of Inland Fisheries and Wildlife, in accordance with emergency Legislation passed by the 129th Legislature (LD 1298), has amended the Open Water and Ice Fishing Regulations to extend the 2019 recreational ice fishing season on waters currently open to ice fishing in the North Region designated by a special season code of “B”. Those waters open to ice fishing will remain open until April 21, 2019. The extension does not apply to tribal waters. All rules and regulations for those waters that are already open to ice fishing in the North Region will remain in effect. Please check the 2019 *Open Water & Ice Fishing Regulations Booklet* for individual bodies of water. Based on unusually cold weather conditions and lack of open water availability in the North Region, the Commissioner has determined that an extension of the ice fishing season will enhance fishing opportunities for anglers.

EFFECTIVE DATE: April 1, 2019

IFW CONTACT PERSON / RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Email: Becky.Orff@Maine.gov .

IFW WEBSITE: <http://www.maine.gov/ifw/> .

Credits

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